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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,386	06/29/2006	Christian Baier-Welt	2003P02187WOUS	9258

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EXAMINER

SY, MARIANO ONG

ART UNIT	PAPER NUMBER
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3657

MAIL DATE	DELIVERY MODE
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04/15/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,386	Applicant(s) BAIER-WELT ET AL.	
	Examiner MARIANO SY	Art Unit 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/07/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The response to notice of non-compliant amendment filed on October 18, 2007 has been received.

2. Claim 1 is objected to because of the following informalities:

Claim 1, lines 9-10 "the drive main axis" should be --a drive main axis--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 5, 6, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "a guide pulley which is static and a guide pulley which can be moved" in lines 2-3. It is indefinite and unclear if the guide pulleys are the same or different from the "at least two guide pulleys" recited in claim 1.

Claim 5 recites the limitation "a motor" in line 3. It is indefinite and unclear if the motor is the same or different from the "electromotor" recited in claim 1, line 3.

Claim 10 recites the limitation "the motor is an electromotor" in lines 1-2. It is indefinite and unclear if the motor is the same or different from the "electromotor" recited in claim 1, line 3.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3-8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Nui Wang (WO 03/008248).

Nui Wang disclosed, as shown in fig. 8, a parking brake for a motor vehicle comprising: an electromotor 315, a cable traction device arranged for brake operation; and a contra-rotating cable arranged to be deflected by means of at least two guide pulleys 330, 331 for two brake cables 318 which act in essentially opposite directions and are continuously connected to each other, said guide pulleys being arranged in such a way that a connecting line between axes of rotation of at two pulleys can be swiveled in relation to a drive main axis; wherein both guide pulleys are arranged on a swinging arm 321; wherein the swinging arm is arranged to be swung by a driven output shaft of the electromotor; wherein the swinging arm is arranged to pivot approximately midway between axes of rotation of the guide pulleys.

7. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Christian de Gelis (FR 2761654).

Christian de Gelis disclosed, as shown in fig. 2, a parking brake for a motor vehicle comprising: an electromotor 55, a cable traction device arranged for brake operation; and a contra-rotating cable arranged to be deflected by means of at least two guide pulleys 15, 18 for two brake cables which act in essentially opposite directions and are continuously connected to each other, said guide pulleys being arranged in such a way that a connecting line between axes of rotation of at two pulleys can be swiveled in relation to a drive main axis; wherein one of the at least two pulleys is static and the other of the at least two pulleys can be moved in at least one of a rotary and translatory manner.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in

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order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nui Wang (WO 03/008248).

Nui Wang failed to disclose wherein the swinging arm is arranged to pivot asymmetrically to an axes of rotation of the guide pulleys.

It would have been obvious to one of ordinary skill in the art to have the swinging arm of Nui Wang arranged to pivot asymmetrically to an axes of rotation of the guide pulleys as a alternate engineering design choice in order to actuate the parking brake.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Burgei et al.	(US 4,795,002)
Barlas	(US 5,131,288)
Bode	(US 6,193,022)
Gil et al.	(US 7,341,127)
Yamanaka	(US 7,484,432)
Boll et al.	(DE 3904460 A1)
Yamada et al.	(JP 5-286424 A)
Mosler et al.	(DE 10157462 A1)
Guggenmos et al.	(DE 102005042195 A1)

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Sano et al. (JP 2006-160001 A)

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIANO SY whose telephone number is (571)272-7126. The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Bradley T King/
Primary Examiner, Art Unit 3657

/MS/

April 7, 2009